

**BEFORE THE GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:

*

CASE NO.

*

DAVID POST

*

20-0082-C

CONSENT ORDER

This matter comes before the Georgia Government Transparency and Campaign Finance Commission ("Commission") pursuant to a complaint filed by Penelope Bernath ("Complainant") on October 15, 2020. Prior to a final hearing on this matter, Respondent David Post ("Respondent") and the Commission agree to resolve the above-styled matter by Consent Order under the terms and conditions described herein.

FINDINGS OF FACT

Respondent was a candidate for a four-year term as the Gwinnett County Board of Commissioners Chairman during the November 3, 2020 election cycle. Respondent qualified as a candidate on March 2, 2020. Respondent filed his Declaration of Intention to Accept Campaign Contributions ("DOI") on February 6, 2020. Respondent was ultimately the unsuccessful candidate in the election for Gwinnett County Chairman. During his tenure as a candidate for said office, Respondent was subject to the filing rules and requirements of the Commission.

As a candidate for public office, Respondent was required to disclose contributions and expenditures at prescribed times by filing campaign contribution disclosure reports (CCDR). On three occasions Respondent failed to timely file a CCDR which would have disclosed contributions and expenditures relating to his campaign. These violations relate to the April 30, 2020 CCDR, June 30, 2020 CCDR, and October 25, 2020 CCDR. Although these CCDR's were eventually filed they were filed after the grace period thus making them untimely filings and subject to penalty.

CONCLUSIONS OF LAW

The Commission finds that Respondent violated the Georgia Government Transparency and Campaign Finance Act in that Respondent:

1. Respondent untimely filed three Campaign Contribution Disclosure Reports in violation of O.C.G.A. § 21-5-34(c).

HOLDING

In resolving this matter, Respondent hereby agrees to the following:

Respondent must pay late fees totaling \$375.00 for untimely filing his CCDR's pursuant to

O.C.G.A. § 21-5-34(c).

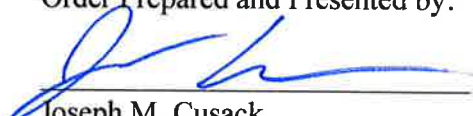
Respondent further agrees not to commit any further violations of the Georgia Government Transparency and Campaign Finance Act and corresponding Commission Rules.


Respondent represents that the foregoing findings of facts are true, agrees with the conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent waives any right to appeal pursuant to the procedures outlined in the Administrative Procedures Act ("APA"), O.C.G.A. § 50-13-1 *et. seq.*

Failure to comply with the terms herein, absent a showing of good faith, will constitute a willful and knowing violation of said terms by Respondent. Respondent's failure to comply with said terms shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement and/or collection of this order by subsequent contempt or other proceedings against the Respondent in the Superior Court for the State of Georgia. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C)(iv).

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Consent Order.

Order Prepared and Presented by:


Joseph M. Cusack
Senior Staff Attorney
Bar No.: 492674


David Post
Respondent

SO ORDERED this 24th day of June, 2021.

Georgia Government Transparency and Campaign Finance Commission

BY:


Jake Evans, Chair